

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment no claims are amended, claims 21-24 are added, and no claims are canceled. As a result, claims 1-24 are now pending in the application. Support for the newly added claims can be found throughout the disclosure, for example, at page 4 and page 5 of the specification.

In the non-final Office Action of February 22, 2008, claims 1-20 are rejected under 35 U.S.C. §103(a) in view of the published International Application WO 92/22983 ("Browne") further in view of the published U.S. Patent Application 2002/0066113 ("Utsunomiya") and yet further in view of U.S. Patent 6,453,115 ("Boyle").

35 U.S.C. §103 Rejection

The §103(a) rejection of claims 1-20 in view of the hypothetical combination of Browne, Utsunomiya and Boyle is respectfully traversed for at least the following reasons.

The present patent application involves the storage and distribution of programs recorded by a Personal Video Recorder (PVR) which may have a first memory and a network interface connected via a network to a second memory. Various embodiments can be configured with virtual storage management (VSM) logic to track the location of the second memory on the network. One advantage of the various embodiments is that the VSM can store a portion of a program P being recorded by the PVR in the second memory in the event the first memory does not have enough capacity for the entire program.

In the pending §103(a) rejection the Office continues to contend that optional storage section 104b of Browne is a second memory, as recited in the claims. However, the Browne device is structured differently than the claimed invention and would not operate in accordance with the claims even if modified by the Boyle and Utsunomiya as proposed in the Office Action. The optional storage section 104b of Browne is a removable storage device, possibly a floppy disk within a disk drive or other such removable storage device. Browne's section 104b removable media can be added or removed so that users can control the total amount of storage capacity for Browne's multi-source recorder player 100. The logical address of this sort of removable media could not be tracked if the media is removed without some sort of means to prompt the user to reinsert the media. Hence, there would be a need to instruct the user to bring the removable media back online, e.g., insert the floppy disk or DVD. The Office acknowledges that with a removable media such as this (e.g., floppy disk) the location of this storage media—alleged to be the second memory—could not be tracked by the Browne system.

In regards to the secondarily cited Utsunomiya document, the Office further acknowledges that Utsunomiya does not disclose or suggest this feature either. Hence, Browne and/or Utsunomiya do not disclose or suggest “VSM logic configured to track one or more logical addresses of the second memory on the network” as recited in claim 1, or the similar feature of claim 15 (emphasis added). Browne / Utsunomiya also do not disclose or suggest “VSM means is configured as part of the PVR to track one or more logical addresses of the second memory on the network,” as recited in claim 8, or “using VSM logic of the PVR to track locations of each of said portions stored on the separate memory devices, said locations including one or more logical addresses on each of the separate memory devices,” as recited in claim 19.

The third cited document in the §103 rejection, the Boyle patent, does not overcome this deficiency of Browne / Utsunomiya. In particular, the Boyle patent does not teach or suggest tracking address of a second memory.

Boyle involves a video recording system that generates an index data structure for displaying a video stream in non-standard trickplay modes such as fast forward, reverse play, skip ahead, skip back, etc. The Boyle device does not have a first memory and a second memory. The Boyle device has one memory, the storage subsystem 110. Consequently, the Boyle patent does not teach or suggest “VSM logic configured to track one or more logical addresses of the second memory on the network” as recited in claim 1, or the similar features recited in other claims.

Accordingly, it is respectfully submitted that Browne, Utsunomiya and Boyle, either taken singly or as a hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejection is earnestly requested.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is required for this filing, and the accompanying Fee Transmittal filed with this Amendment attends to the necessary fees. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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